

RECEIVED

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

2024 DEC -2 PM 12:04

In Re:

BIG LOTS, INC., *et al.*,

Debtors<sup>1</sup>

Chapter 11

CLERK  
US BANKRUPTCY COURT  
DISTRICT OF DELAWARE

Case No. 24-11967 (JKS)

(Jointly Administered)

RE: DI 314

**DECLARATION OF DISINTERESTEDNESS OF SECREST WARDLE &  
IN SUPPORT OF EMPLOYMENT OF SECREST WARDLE  
AS A PROFESSIONAL UTILIZED IN THE ORDINARY COURSE OF BUSINESS**

**MARK MASTERS, declares and says:**

1. I am an Attorney of Secrest Wardle, located at 2600 Troy Center Drive, Troy, MI 48007 (the “Firm”). The Firm is a legal services firm.
2. Big Lots, Inc. and certain of its affiliates (collectively the “Debtors”), each of which is a debtor and in possession in the above-captioned Chapter 11 Cases (the “Chapter 11 Cases”), have requested that the Firm provide legal services to the Debtors, and the Firm has consented to provide those services.
3. Pursuant to rule 2014 of the Federal Rules of Bankruptcy Procedure, the Firm hereby confirms that, to the best of its knowledge and belief, the firm may have performed services in the past, may currently perform services, and may perform services in the future, in matters unrelated

<sup>1</sup> The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores – PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores – CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors’ corporate headquarters is 4900 E. Dublin Granville Road, Columbus, OH 43081.

to the Debtors Chapter 11 Cases, for persons that are claimants or other parties in interest in the Chapter 11 Cases. The Firm does not perform services for any such person in connection with the Chapter 11 Cases.

4. Neither I nor [any partner or associate of the Firm], insofar as I have been able to ascertain, holds or represents any interest adverse to the Debtors or their estates with respect to the matters on which the Firm is to be employed.

5. Neither I nor [any partner or associate of the Firm] has agreed to share or will share any portion of the compensation to be received from the Debtors with any person other than the [partners and associates] of the Firm.

6. The Debtors owe the Firm \$5,955.70 for prepetition services, the payment of which is subject to the limitations contained in the Bankruptcy Code. The Firm understands that it must file a proof of claim for such fees and expenses unless the amount thereof is properly listed in the Debtors' schedule of liabilities and is not designated therein as contingent, unliquidated, or disrupted.

7. The Firm is not a party to an indemnification agreement with Debtors.

8. The Firm reviewed its connections to, if any, the key parties-in-interest provided in Exhibit 1. The Firm is conducting further inquiries regarding its retention by the creditors of the Debtors and, upon conclusion of that inquiry or at any time during the period of its employment, if the Firm should discover any facts bearing on the matter described herein, the Firm will supplement the information contained in this declaration.

9. Pursuant to 28 U.S.C § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on November 20, 2024.

Respectfully submitted,

SECREST WARDLE

By: */s/ Mark F. Masters*  
MARK F. MASTERS (P48598)  
2600 Troy Center Drive  
Troy, MI 48007-5025  
(248) 851-9500



SECREST, WARDLE, LYNCH  
HAMPTON, TRUEX & MORLEY  
2600 TROY CENTER DRIVE P.O. BOX 5025  
TROY, MICHIGAN 48007-5025  
(248) 851-9500

IRS # 38-1863919

Shelly Duncan  
Big Lots Stores Inc  
4900 E Dublin Granville Rd  
Westerville, OH 43081

October 04, 2024  
Invoice # 1503052  
Client No. BL  
Matter No. 130408

RE: Tolbert, Kimila vs Big Lots Stores LLC

Services Rendered: CLAIM# 2024-00140

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**CURRENT BILLING SUMMARY THROUGH SEPTEMBER 09, 2024**

Fees for Professional Services	\$630.00
Expenses Advanced	\$0.00
<b>CURRENT BILL DUE</b>	<b>\$630.00</b>

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PLEASE REMIT TO: SECREST, WARDLE, LYNCH,  
HAMPTON, TRUEX & MORLEY, PC  
P.O. BOX 772725  
CHICAGO, IL 60677-2007

Matter: BL-130408  
Tolbert, Kimila vs Big Lots Stores LLC

October 04, 2024  
Page 2

**OUTSTANDING STATEMENTS AS OF October 04, 2024**

<b>Statement No.:</b> 1503052	<b>10/04/2024</b>	<b>630.00</b>
	<b>TOTAL</b>	<b>\$630.00</b>

Matter: BL-130408  
 Tolbert, Kimila vs Big Lots Stores LLC

October 04, 2024  
 Page 3

DATE	TKPR	PHASE TASK	DESCRIPTION	HOURS
09/09/24	MJC	L210	Draft and prepare Big Lots' Response to Department of Civil Rights Complaint filed by Kimila Tolbert.	2.80

#### **HOURLY CHARGES:**

INIT	TIMEKEEPER	RATE	HOURS	BILLED
MJC	MATTHEW J CONSOLO, Partner	\$225.00	2.80	\$630.00

TOTAL HOURLY CHARGES: **\$630.00**

#### **ATTORNEY CUMULATIVE SUMMARY:**

TIMEKEEPER/CLASS	ATTORNEY CUMULATIVE HOURS	ATTORNEY CUMULATIVE AMOUNT
MATTHEW J CONSOLO, Partner	2.80	\$630.00

#### **L200**

Task	Hours	Amount
L210 PLEADINGS	2.80	\$630.00
Phase Total	2.80	\$630.00

**TOTAL CURRENT BILL:** **\$630.00**



SECREST, WARDLE, LYNCH  
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IRS # 38-1863919

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October 04, 2024  
Invoice # 1503052  
Client No. BL  
Matter No. 130408

RE: Tolbert, Kimila vs Big Lots Stores LLC

Services Rendered: CLAIM# 2024-00140

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**CURRENT BILLING SUMMARY THROUGH SEPTEMBER 30, 2024**

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Fees for Professional Services	\$630.00
Expenses Advanced	\$0.00
<b>CURRENT BILL DUE</b>	<b>\$630.00</b>

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PLEASE REMIT TO: SECREST, WARDLE, LYNCH,  
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CHICAGO, IL 60677-2007

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PLEASE INCLUDE THIS PAGE WITH YOUR PAYMENT



SECREST, WARDLE, LYNCH  
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2600 TROY CENTER DRIVE P.O. BOX 5025  
TROY, MICHIGAN 48007-5025  
(248) 851-9500

IRS # 38-1863919

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Janelle Lopez  
Big Lots Stores Inc  
4900 E Dublin Granville Rd  
Westerville, OH 43081

October 22, 2024  
Invoice # 1504405  
Client No. BL  
Matter No. 127939

RE: Christian, Kelly vs Big Lots Stores Inc; Big Lots Stores LLC; Eastpointe Village

Services Rendered: CLAIM# 20-0233644

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**CURRENT BILLING SUMMARY THROUGH SEPTEMBER 09, 2024**

Fees for Professional Services	\$5,284.50
Expenses Advanced	\$41.20

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<b>CURRENT BILL DUE</b>	<b>\$5,325.70</b>
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**OUTSTANDING STATEMENTS - SEE PAGE TWO**

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PLEASE REMIT TO: SECREST, WARDLE, LYNCH,  
HAMPTON, TRUEX & MORLEY, PC  
P.O. BOX 772725  
CHICAGO, IL 60677-2007

Matter: BL-127939  
Christian, Kelly vs Big Lots Stores Inc; Big Lots Stores LLC; Eastpointe  
Village

October 22, 2024  
Page 2

**OUTSTANDING STATEMENTS AS OF October 22, 2024**

Statement No.: 1498032	07/08/2024	2,430.75
Statement No.: 1499317	07/18/2024	2,342.60
Statement No.: 1500907	08/20/2024	1,664.00
Statement No.: 1504405	10/22/2024	5,325.70
	<b>TOTAL</b>	<b>\$11,763.05</b>

Matter: BL-127939

Christian, Kelly vs Big Lots Stores Inc; Big Lots Stores LLC; Eastpointe Village

October 22, 2024

Page 3

DATE	TKPR	PHASE TASK	DESCRIPTION	HOURS
08/06/24	NNA	L240	Draft correspondence to client regarding update on case including our pending motion for summary disposition	0.10
08/08/24	AMD	L110	Begin summarizing Plaintiff's deposition testimony	1.20
08/09/24	AMD	L110	Continue summarizing Plaintiff's deposition testimony and finalize narrative summary (summary is 8 pages).	3.60
08/15/24	NNA	L250	Draft Reply Brief to Eastpointe's Response to Motion for Leave to File Cross-Claim against Eastpointe on behalf of Big Lots.	4.80
08/15/24	NNA	L110	Review/analyze file in preparation of drafting Big Lots' Reply Brief in Support of its Motion for Leave to File Cross-Claim against Eastpointe including discovery, Big Lots files, Eastpointe's Response, discovery	3.70
08/16/24	NNA	L210	Draft Supplemental Witness List	0.80
08/16/24	NNA	L210	Draft Supplemental Exhibit List	0.40
08/19/24	JMT	L250	Appear for an argue Defendant's Motion for Leave to file Cross-claim against Co-Defendant Eastpointe Village	1.20
08/19/24	JMT	L250	Prepare for Defendant's Motion for Leave to file Cross Claim Against Co-Defendant by reviewing motion, lease agreement, co-defendant's response, and defendant's reply	0.80
08/19/24	MJC	L210	Draft report to Client re: Motion for Leave to File a Crossclaim against Eastpointe Village for Indemnity.	0.20
08/19/24	MJC	L240	Receipt, review, analyze Plaintiff's Response Brief in Opposition to Defendant's Motion for Summary Disposition (177 pages).	1.40
08/22/24	NNA	L120	Prepared a detailed reply brief to support Defendant's position and counter Plaintiff's Arguments regarding defendant's liability.	4.50
08/22/24	NNA	L120	Conducted comprehensive legal research/analysis to address arguments raised in Plaintiff's response to Big Lots Motion for Summary Disposition specifically regarding control and possession.	3.10
08/23/24	DRK	L210	Amended Cross-Complaint after analyzing earlier Motion for Leave to File Cross-Complaint, response from landlord and our reply, as well as other complaint and various discovery documents, including Lease	2.60

Matter: BL-127939

Christian, Kelly vs Big Lots Stores Inc; Big Lots Stores LLC; Eastpointe Village

October 22, 2024

Page 4

DATE	TKPR	PHASE TASK	DESCRIPTION	HOURS
			Agreement and Amendment to Lease Agreement. Reviewed successful cross-complaints for indemnification from other cases and attempted to model this cross-complaint on those.	
08/23/24	MJC	L240	RECEIPT, REVIEW, AND ANALYZE Defendant Eastpointe's Response to Big Lots' Motion for Summary Disposition.	0.70
08/26/24	BH	L240	Prepared for Motion for Summary Disposition. Reviewed file to determine arguments and responses to anticipated arguments from Plaintiff's counsel and questions from the judge regarding lack of possession and control, contract language supporting lack of possession and control, lack of evidence showing conceding possession or control, lack of evidence regarding notice, and indemnification language removing liability from Defendant.	0.90
08/26/24	BH	L240	Prepared order denying Defendant's Motion without prejudice.	0.20
08/26/24	BH	L240	Appeared for Defendant's Motion for Summary Disposition via Zoom, no travel time.	0.50
08/27/24	MJC	L210	Receipt, review, analyze Plaintiff's Case Evaluation with attachments	1.40
09/03/24	NNA	L210	Email correspondence to Counsel for Eastpointe to inquire whether they will accept service of our cross-claim on behalf of Eastpointe, or if they would prefer we serve them with it personally	0.10
09/09/24	MJC	L230	Draft and prepare case evaluation summary on behalf of Big Lots	3.40

**HOURLY CHARGES:**

INIT	TIMEKEEPER	RATE	HOURS	BILLED
NNA	NOUR N AMINE, Paralegal	\$110.00	17.50	\$1,925.00
AMD	ANNA M DEGIUSTI, Paralegal	\$110.00	4.80	\$528.00
DRK	DAVID R KINZER, Associate (A)	\$190.00	2.60	\$494.00
JMT	JENNA M TEBBE, Associate	\$190.00	2.00	\$380.00
MJC	MATTHEW J CONSOLO, Partner	\$225.00	7.10	\$1,597.50

Matter: BL-127939

Christian, Kelly vs Big Lots Stores Inc; Big Lots Stores LLC; Eastpointe Village

October 22, 2024

Page 5

INIT	TIMEKEEPER	RATE	HOURS	BILLED
BH	BRANDON C HAGAMAN, Partner	\$225.00	1.60	\$360.00

TOTAL HOURLY CHARGES: \$5,284.50

**ATTORNEY CUMULATIVE SUMMARY:**

TIMEKEEPER/CLASS	ATTORNEY CUMULATIVE HOURS	ATTORNEY CUMULATIVE AMOUNT
NOUR N AMINE, Paralegal	43.40	\$4,923.50
MATTHEW J CONSOLO, Partner	52.70	\$11,857.50
ANNA M DEGIUSTI, Paralegal	4.80	\$528.00
BRANDON C HAGAMAN, Partner	1.60	\$360.00
DAVID R KINZER, Associate (A)	4.60	\$874.00
JENNA M TEBBE, Associate	2.00	\$380.00

**L100**

Task	Hours	Amount
L110 FACT INVESTIGATION/DEVELOPMENT	8.50	\$935.00
L120 ANALYSIS/STRATEGY	7.60	\$836.00
Phase Total	16.10	\$1,771.00

**L200**

Task	Hours	Amount
L210 PLEADINGS	5.50	\$997.00
L230 COURT MANDATED CONFERENCES	3.40	\$765.00
L240 DISPOSITIVE MOTIONS	3.80	\$843.50
L250 OTHER WRITTEN MOTIONS AND SUBMISSIONS	6.80	\$908.00
Phase Total	19.50	\$3,513.50

Matter: BL-127939

Christian, Kelly vs Big Lots Stores Inc; Big Lots Stores LLC; Eastpointe Village

October 22, 2024

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**EXPENSES ADVANCED:**

07/25/24	Visa Inc - Motion Fees - Re: Court required e-filing fee (1.00 x 20.60)	\$20.60
08/02/24	Visa Inc - Motion Fees - Re: Court required e-filing fee (1.00 x 20.60)	\$20.60

<b>TOTAL EXPENSES ADVANCED:</b>	<b>\$41.20</b>
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<b>TOTAL CURRENT BILL:</b>	<b><u>\$5,325.70</u></b>
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October 22, 2024  
Invoice # 1504405  
Client No. BL  
Matter No. 127939

RE: Christian, Kelly vs Big Lots Stores Inc; Big Lots Stores LLC; Eastpointe Village

Services Rendered: CLAIM# 20-0233644

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**CURRENT BILLING SUMMARY THROUGH SEPTEMBER 30, 2024**

Fees for Professional Services	\$5,284.50
Expenses Advanced	\$41.20
<b>CURRENT BILL DUE</b>	<b>\$5,325.70</b>

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Fax: 248-538-1223  
[www.secrestwardle.com](http://www.secrestwardle.com)

Mark F. Masters  
Direct: 248-539-2844  
[mmasters@secrestwardle.com](mailto:mmasters@secrestwardle.com)

November 18, 2024

RECEIVED

2024 DEC -2 PM 12:04

CLERK  
US BANKRUPTCY COURT  
DISTRICT OF DELAWARE

*Via U.S. Mail*  
United States Bankruptcy Court  
District of Delaware  
824 Market Street, 3<sup>rd</sup> Floor  
Wilmington, DE 19801

**Re: *Big Lots, Inc., et al.***  
**Court Case No.: 24-11967 (JKS)**

Dear Sir/Madam:

Enclosed for filing in regard to the above-referenced matter, please find the following documents on behalf of Secrest Wardle:

- Declaration of Disinterestedness of Secrest Wardle & In Support of Employment of Secrest Wardle as a Professional Utilized in the Ordinary Course of Business

Please file the same in your usual manner and return time-stamped copies to me in the self-addressed, stamped envelope enclosed.

Please feel free to contact me in this regard or any other, and I thank you for your attention to this matter.

Very truly yours,

*Mark F. Masters*

Mark F. Masters

MFM/sev  
Enclosure  
CC: Davis Polk & Wardwell LLP  
Morris, Nichols, Arsht & Tunnell LLP